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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

10 v.)

2:11-CR-235-GMN-(RJJ)

11 ERIK MARSHALL,)

12 Defendant.)

13 **PRELIMINARY ORDER OF FORFEITURE**

14 This Court finds that on August 20, 2012, defendant ERIK MARSHALL pled guilty to Count
15 Two of a Four-Count Criminal Indictment charging him with Transporting Child Pornography in
16 violation of Title 18, United States Code, Section 2252A(a)(1). Criminal Indictment, ECF No. 7.

17 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America
18 has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal
19 Indictment and the Bill of Particulars and agreed to in the Plea Memorandum, and the offense to
20 which defendant ERIK MARSHALL pled guilty. Criminal Indictment, ECF No. 7; Bill of
21 Particulars, ECF No. 20.

22 The following assets are subject to forfeiture pursuant to Title 18, United States Code,
23 Sections 2253(a)(1) and 2253(a)(3);

- 24 a) Home-built computer in black Antec case, unknown serial number;
25 b) Lenovo laptop computer, serial number EB17494638;
26 c) Rock Mobile desk external hard drive, unknown serial number;

- d) Western Digital 750 GB hard drive, serial number WXG1EB04XL20;
- e) Kodak Easyshare M530 12MP digital camera, serial number KCGMH03131680;
- f) PNY 8GB SD card, unknown serial number;
- g) Zune MP3 player, serial number 037331484315;
- h) Casio cell phone, serial number CVDK1764885;
- i) Dane Electric portable USB storage device, unknown serial number;
- j) PNY portable USD drive, unknown serial number; and
- k) any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received; computer images, including movie and still image files, depicting a minor engaging in sexually explicit conduct and the diskettes and hard drives on which they are maintained ("property").

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of ERIK MARSHALL in the aforementioned property is forfeited and is vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state

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1 the name and contact information for the government attorney to be served with the petition,
2 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be
4 filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
6 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
7 following address at the time of filing:

8 Michael A. Humphreys
9 Assistant United States Attorney
Daniel D. Hollingsworth
10 Assistant United States Attorney
Lloyd D. George United States Courthouse
11 333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
13 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
14 following publication of notice of seizure and intent to administratively forfeit the above-described
15 property.

16 DATED this 20th day of August, 2012.

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UNITED STATES DISTRICT JUDGE
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